SHEA – 103648

Department of Toxic Substances Control

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May 3, 2006

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Mr. Allen Elliot
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APPLICABILITY OF PERMIT-BY-RULE TO THE GROUNDWATER TREATMENT SYSTEMS AT THE SANTA SUSANA FIELD LABORATORY, VENTURA COUNTY

Dear Mr. Lafflam and Mr. Elliot:

As you know, the Boeing Company (Boeing) and the National Aeronautics and Space Administration (NASA) have submitted two permit renewal applications to the Department of Toxic Substances Control (DTSC) for eight aboveground groundwater treatment systems located in Areas I, II, and III at the Santa Susana Field Laboratory (SSFL). On April 17, 2006 DTSC sent comments on these applications. The permit applications are for permits based on the Resource Conservation and Recovery Act (RCRA). DTSC has conducted further review of the authorization of these units and has determined that they qualify for Permit-By-Rule (PBR). Under PBR, the authorization of the units would be overseen by a local agency known as a Certified Unified Program Agency, or CUPA. The local CUPA for SSFL is the Ventura County Environmental Health Department.

Under the California Health and Safety Code (H&SC) section 25200.16(a), DTSC may administratively convert the hazardous waste units under a hazardous waste facility permit to authorization to operate under a permit-by-rule (PBR) if the units qualify. One of the qualifications for PBR is the facility must be exempt from federal permitting rules. DTSC believes that the treatment units at SSFL meet the definition of a "wastewater treatment unit" as defined in the Code of Federal Regulations title 40 (40 CFR)

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section 260.10, and may meet the criteria for permit exemption under 40 CFR section 264.1(g)(6). One component of this exemption relies on the discharges from the treatment units to be under a NPDES permit. To qualify for this exemption, Boeing and/or NASA will need to coordinate with the Regional Water Quality Control District Los Angeles (RWQCB-LA) to include the discharge of the treatment units under the existing NPDES permit.

As specified in H&SC section 25200.16(c), we understand that Boeing and NASA wish to convert the grant of authorization for the hazardous waste management units from a hazardous waste facility permit to PBR. In order to ensure the appropriate documentation is in place to complete the conversion and to ensure that all criteria for the converision have been met, Boeing and/or NASA should transmit the following documentation to the department:

(1) A brief description of the units and rationale to support the determination that the units are not required to obtain a permit under the federal act;
(2) A brief summary that explains the eligibility of the units for authorization under a permit-by-rule which, includes the list of eligible influent waste streams and treatment processes described in California Code of Regulations, title 22 (CCR-22), section 67450.11.
(3) A written request, signed in accordance with DTSC regulations pertaining to signatories to permit application and reports, to administratively remove the units from the existing hazardous waste facilities permit.

In addition to the above, Boeing and/or NASA must submit specific notification forms and information to the local Certified Unified Program Agency (CUPA) and to DTSC. These forms and information are described in California Code of Regulations, title 22 (CCR-22), section 67450.2(b). The CUPA for Ventura County is the Ventura County Environmental Health Department, 800 South Victoria Avenue, Ventura, California, 93009-1730. The contact is Mr. Craig Cooper at (805) 654-2127. Mr. Cooper is carbon-copied on this letter.

Transfer from the permit to the PBR becomes effective after 1) DTSC receives the above documentation, 2) the CUPA receives a complete notification, and 3) DTSC receives a copy of an authorization letter from the CUPA. Before submitting any request, Boeing and/or NASA should familiarize themselves with the requirements of the California Health and Safety Code, section 25200.16, and with the California Code of Regulations, title 22, division 4.5, chapter 45, article 1 (starting with section 67450.1). To further assist you, a DTSC Fact Sheet titled "Fixed Treatment Unit Operating Under Permit By Rule" (July 2003) has been enclosed with this letter.

These units must still close under the Resource Conservation and Recovery Act (RCRA) with DTSC oversight. RCRA closure may be delayed as the situation warrants and on a case-by-case basis. For delayed RCRA closure, Boeing and/or NASA would close under the approved RCRA closure plan or would submit a modified closure to DTSC when closing the units in the future.

If you have any further questions on this matter, please contact Mr. Stephen Baxter at (818) 551-2940.

Sincerely,

for Jose Kou, P.E., Chief
Southern California Permitting and Corrective Action Branch
Hazardous Waste Management Program

Enclosure

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